

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:08CR3067
)	
Plaintiff,)	MEMORANDUM
v.)	AND ORDER
)	
GARY ZIERKE JR.,)	
)	
Defendant.)	

This matter is before the court on a report and recommendation by Magistrate Judge Piester, recommending that the defendant's motion to suppress and request for a *Franks* hearing be denied in all respects. The defendant has filed a statement of objections pursuant to [NECrimR 57.3](#) and [28 U.S.C. § 636\(b\)\(1\)](#).

I have conducted a de novo review of the record. I find that inasmuch as the magistrate judge has fully, carefully, and correctly found the facts and applied the law, the report and recommendation should be adopted and the defendant's motion should be denied. Accordingly,

IT IS ORDERED that:

1. the magistrate judge's report and recommendation ([filing 33](#)) is adopted;
2. the defendant's statement of objections ([filing 35](#)) is denied; and
2. the defendant's motion to suppress and request for a *Franks* hearing ([filing 22](#)) is denied in all respects.

August 29, 2008.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge